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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,671	07/26/2001	Patricia J. Mikula	070191-0321 (31-CD-6182)	7289

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EXAMINER

BRADFORD, RODERICK D

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 05/21/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/915,671

Applicant(s)

MIKULA ET AL.

Examiner

Roderick Bradford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5, 8, 9 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3 and 8 are vague for being incomplete, there is no connection between the different parts.

Referring to claim 9, applicant cannot claim "lights the medium" since the applicant has not positively recited the medium – needs to say "adapted to light...".

Referring to claim 19, "for providing" and "for controlling" is vague since they are two different functions.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 6, 8, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell et al. U.S. Patent No. 5,590,648.

Referring to claims 1, 2, 6 and 13, Mitchell discloses a testing instrument comprising:

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- an instrument for monitoring the electrical activity of a patient's heart (column 3, lines 17-27) and said instrument including a work surface (92 and 94)
- a light source for lighting the workspace (96)
- a supporting component engaging the instrument for supporting the light source (96).

Referring to claim 3, wherein the instrument further includes a keypad, adjacent the work surface (19).

Referring to claim 4, wherein the illuminating component illuminates the keypad (Fig. 6).

Referring to claim 5, further including a display coupled to the instrument for displaying patient information (64).

Referring to claim 8, wherein the instrument includes a component adjacent the work surface for printing on a medium a graphical waveform representing the electrical activity of the heart (column 5, lines 17-31).

5. Claims 1-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Feng et al. U.S. Patent No. 5,649,544.

Referring to claims 1, 2, 6, 13, 14, 15 and 20, Feng discloses a testing instrument comprising:

- an instrument for monitoring the electrical activity of a patient's heart (column 2, lines 20-26) and said instrument including a work surface (10)

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the top of the instrument where the printer is located and any other space on the instrument

- a light source (14)
- a component for printing on a medium, moving across the work surface, a graphical waveform representing the electrical activity of the heart (16) a power source coupled to the component for printing (inherent)
- a supporting component engaging the instrument for supporting the light source (10).

It is inherent that that element 14 illuminates the workspace since computer monitors emits light.

Referring to claims 3 and 16, wherein the instrument further includes a keypad, adjacent the work surface (19).

Referring to claims 4 and 18, wherein the illuminating component illuminates the keypad (Fig. 1).

Referring to claim 5, further including a display coupled to the instrument for displaying patient information (14).

6. Claims 1-13 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Halpern et al. U.S. Patent No. 5,687,717.

Referring to claims 1, 2, 4, 6 and 13, Halpern discloses a testing instrument comprising:

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- an instrument for monitoring the electrical activity of a patient's heart (column 11, lines 50-16) and said instrument including a work surface (19) and any other surface on the instrument
- a light source (14 and 22)
- a supporting component engaging the instrument for supporting the light source (20).

It is inherent that that element 14 and 22 illuminates the workspace since computer monitors emits light.

Referring to claim 3, wherein the instrument further includes a keypad, adjacent the work surface (19).

Referring to claim 4, wherein the illuminating component illuminates the keypad (14).

Referring to claim 5, further including a display coupled to the instrument for displaying patient information (22).

Referring to claim 8, wherein the instrument includes a component adjacent the work surface for printing on a medium a graphical waveform representing the electrical activity of the heart (column 8, lines 20-27).

Referring to claim 10, wherein the supporting component includes a plate fixed in position about the instrument (20).

Referring to claim 19, Halpern discloses a medical testing system comprising:

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- an instrument for monitoring the electrical activity of a patient's heart (column 11, lines 50-16) and said instrument including a work surface (19)
- a first component for illuminating the instrument (14 and 22)
- a second component for decoding instructions received from the user (column 5, lines 30-32)
- a third component for providing power to the first two components and for remotely controlling the first component (abstract).

7. Claims 1-18 and <sup>2</sup> are rejected under 35 U.S.C. 102(b) as being anticipated by Mann et al. U.S. Patent No. 5,833,623.

Referring to claims 1, 2, 6, 13, 14, 15 and 20, Feng discloses a testing instrument comprising:

- an instrument for monitoring the electrical activity of a patient's heart (column 7, lines 50-57) and said instrument including a work surface (examiner considers the table or any surface in Fig. 1 to be the work surface)
- a light source (126)
- a component for printing on a medium, moving across the work surface, a graphical waveform representing the electrical activity of the heart (column 7 lines 35-37 and lines 50-57) a power source coupled to the component for printing (inherent)

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- a supporting component engaging the instrument for supporting the light source (10).

It is inherent that that element 126 illuminates the workspace since computer monitors emits light.

Referring to claims 3 and 16, wherein the instrument further includes a keypad, adjacent the work surface (column 8, lines 57).

Referring to claims 4 and 18, wherein the illuminating component illuminates the keypad (column 8, line 57).

Referring to claim 5, further including a display coupled to the instrument for displaying patient information (126).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Bradford whose telephone number is (703) 305-3287. The examiner can normally be reached on Monday - Friday 7 a.m. - 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (703) 308-5181. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

*R. Beard*  
R.B. 5/15/03  
May 15, 2003

*GE*  
GEORGE R. EVANISKO  
PRIMARY EXAMINER

5/15/3